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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

9 PETER J. MUNOZ, JR.,

Petitioner,

11 | VS.

12 | GREGORY SMITH, WARDEN, et al.,

13 || Respondents.

Case No. 3:11-cv-00197-LRH-RAM

ORDER

Petitioner has filed a first amended petition (#69). The court has reviewed it pursuant to Rule 4 of the Rules Governing Section 2254 Cases in the United States District Courts. The court will direct respondents to file a response.

IT IS THEREFORE ORDERED that respondents shall have forty-five (45) days from the date of entry of this order to answer or otherwise respond to the amended petition (#69). Respondents shall raise all potential affirmative defenses in the initial responsive pleading, including lack of exhaustion and procedural default. Successive motions to dismiss will not be entertained. If respondents file and serve an answer, then they shall comply with Rule 5 of the Rules Governing Section 2254 Cases in the United States District Courts, and then petitioner shall have forty-five (45) days from the date on which the answer is served to file a reply.

DATED this 2nd day of June, 2015.

Hicks
LARRY R. HICKS
UNITED STATES DISTRICT JUDGE